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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/973,273	10/09/2001	Nick Nassiri		.5689

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EXAMINER

HENEGHAN, MATTHEW E

ART UNIT	PAPER NUMBER
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2134

MAIL DATE	DELIVERY MODE
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06/19/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of Non-Compliant Amendment (37 CFR 1.121)

Application No.

09/973,273

Examiner

Matthew Heneghan

Applicant(s)

NASSIRI, NICK

Art Unit

2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 10 April 2007 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☒ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☒ C. Other The amendments continue to contain new matter.
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____.
- ☐ 3. Amendments to the drawings:
- ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
 - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
 - ☐ C. Other _____.
- ☐ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
 - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☐ E. Other: _____.
- ☐ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4):

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action. If any of above boxes 1. to 4. are checked, the correction required is only the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121.

Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

Failure to timely respond to this notice will result in:

Abandonment of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or

Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

Legal Instruments Examiner (LIE), if applicable

Telephone No.

Dear Mr. Nassiri,

June 11, 2007

Though I recognize that you are sincerely trying to bring your application into compliance with the previously stated objections and rejections, it is nonetheless the case that you must sufficiently address the issues that I have specifically identified in the previous office actions in order for your application to be fully examined.

Of particular concern to the Office is the definition of the term "notary public" in your specification, since this definition has a major influence on how your claims are construed. A change to a specification, regardless of whether it is an addition, a change, or a deletion, is considered to be "new matter" whenever it changes the way in which one skilled in the art would understand the specification in any way. The original specification specifically contained a definition for the term that differed from the term's dictionary definition. In deleting this new definition in your later amendments, you have made the definition of the term, which appeared beginning on p. 51, line 24 of the original specification (paragraph 180 of the PGPUB), revert to a different definition; therefore, it has changed the specification in a substantial way and the deletion constitutes new matter, even though it is not an addition per se.

I do not intend to withdraw the rejection of this deletion under 35 U.S.C. 112, first paragraph unless you comply with these instructions. I can, however, recommend several courses of action, any one of which might potentially overcome this stalemate:

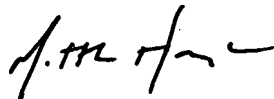
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- Completely restore the original specification to its original state (save for trivial changes, such as correcting typographical errors) and put a limitation in each independent claim stating “wherein the notary public is not...” Negative limitations may sometimes be used by Applicants to overcome rejections, as long as the original specification supports a way to perform the function without having to use the excluded feature. See MPEP 2173.05(i).
- Appeal the decision to the Board of Patent Appeals and Interferences. Examiners who are reversed by the Board are duty-bound to comply with Board decisions. See MPEP 1200.
- File a new application as a continuation-in-part with new definitions. Such an application **MUST** be filed on or before the date that the present application is officially abandoned (see MPEP 711) or a patent is granted upon it in order to be able to enjoy the original application’s priority date. Unfortunately, the examination of such applications are not typically expedited by the Office and the current backlog in our area is considerable.

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If you have any questions, I STRONGLY urge you to call me at (571)272-3834. Unless you have retained a patent attorney or patent agent, Mr. Nassiri MUST be a participant on the phone call. I will give you any help that I can in moving the prosecution of this application forward or in understanding the possible effects of different courses of action that you might take.

Respectfully yours,

A handwritten signature in black ink, appearing to read "M. Heneghan", with a stylized flourish at the end.

Matthew Heneghan

Patent Examiner (FSA), USPTO Art Unit 2134